

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ASHU SHUKLA, :
Plaintiff, :
: -----
-v- : 21-CV-3287 (JMF) (SDA)
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APPLE INC., et al., : ORDER
Defendants. :
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JESSE M. FURMAN, United States District Judge:

On September 14, 2012, Defendant Deloitte Consulting LLP filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Because Plaintiff is proceeding *pro se*, however, and because Defendant Apple Inc. has not yet responded to the complaint, the Court will give Plaintiff additional time to amend the complaint.

Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **November 25, 2021**. **For avoidance of doubt: Plaintiff should not file an amended complaint until Apple Inc. either answers or files its own motion to dismiss.** If Plaintiff believes that the pleading of additional facts will cure deficiencies identified in Deloitte Consulting LLP's motion to dismiss or in Apple Inc.'s motion in the event that Apple Inc. files such a motion, the Plaintiff should include those facts in the amended complaint. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion(s) to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot.

If no amended complaint is filed, Plaintiff shall serve any opposition to the motion(s) to dismiss by **November 25, 2021**. **In the event that Apple Inc. also files a motion to dismiss, Plaintiff shall file a single, consolidated opposition to both motions.** Defendants' replies, if any, shall be served by **December 9, 2021**.

Any party may request an extension of the briefing schedule for the motion. A deadline will be extended if the party demonstrates that its pursuit of the action has been diligent and that there is a good reason for extending the deadline.

SO ORDERED.

Dated: September 15, 2021
New York, New York



JESSE M. FURMAN
United States District Judge